

WENDEROTH, LIND & PONACK, L.L.P.

2033 K Street, N.W., Suite 800

Washington, D.C. 20006

Phone: (202) 721-8200

Facsimile: (202) 721-8250

FAX TRANSMITTAL COVER SHEETDate: March 2, 2004To: Examiner Christian FrondaCompany Name: United States Patent and Trademark OfficeFax Number: 571-273-0929From: Jay F. WilliamsMessage: Subject: Declaration of Microorganism AvailabilityThis Declaration of Microorganism Availability is in response to the
telephonic discussion with Examiner Christian Fronda on February 27, 2004Total Number of Pages Transmitted, Including Cover Sheet: 3**CONFIDENTIALITY**

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Fax Operator: Neeima Kumar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 1705**
Tadashi FUJII et al. : **Docket No. 2001_0116A**
Serial No. 09/762,230 : **Group Art Unit 1652**
Filed February 5, 2001 : **Examiner Christian L. Fronda**

GENE PARTICIPATING IN THE
PRODUCTION OF HOMOGLUTAMIC ACID
AND ITS USE

DECLARATION OF MICROORGANISM AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Undersigned, attorney of record for the subject application, hereby declares:

That Flavobacterium lutescens IGO 3084 (pCF213) has been deposited at the National Institute of Bioscience and Human-Technology, Agency of Industrial Science and Technology, of 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305 Japan on March 11, 1998 under the Budapest Treaty, as deposit No. FERM BP-6797;

That the depository affords permanence of the deposit and ready accessibility thereto by the public if a patent is granted;

That access to the deposit during the pendency of the above-identified application will be afforded to one determined by the Commissioner to be entitled thereto under;

That all restrictions on the availability of the deposit to the public imposed by depositor will be irrevocably removed upon the granting of the U.S. Patent on the above-identified application;

That each deposit shall be stored by the depository, with all the care necessary to keep it viable and uncontaminated, for a period of at least five years after the most recent request for the

furnishing of a sample of the deposit was received by the depository, or for a period of at least 30 years after the date of the deposit, or for the effective life of the U.S. Patent, whichever is longest;

That the Assignee acknowledges its duty to replace any such deposit should the depository be unable to furnish a sample when requested due to the condition of the deposit;

That the undersigned is authorized to execute this agreement on behalf of the Assignee;
and

Undersigned further declares that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Tadashi FUJII et al.

By: Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/JFW
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250